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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,017	06/24/2003	Randall L. May	May017	7656
7590		12/06/2004	EXAMINER	
Neal J. Mosely Patent Attorney 6600 E. River Rd. Tucson, AR 85750		HSIEH, SHIH YUNG		
		ART UNIT	PAPER NUMBER	
		2837		

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/602,017

Applicant(s)

MAY, RANDALL L.

Examiner

Shih-yung Hsieh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-28 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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1. The disclosure is objected to because of the following informalities: there are a lot of missing letters and incomplete words in the specification, page 1, line 22; page 2, lines 1, 22; page 3, lines 1, 21-22; page 4, line 1; page 5, lines 1, 22-24; page 6, lines 1, 24; page 8, line 1; page 9, lines 1, 23; page 10, lines 1, 24; page 12, line 23; page 13, lines 1, 23; page 14, lines 1, 23; page 15, lines 1, 24.

Appropriate correction is required.

2. Claims 18-20, and 28 are objected to because of the following informalities: there are a lot of missing letters and incomplete words in the claims, claim 18, last line; claim 20, lines 3-4; claim 28, line 3. Claim 19, line 6, the word "of" is missing.

Appropriate correction is required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hinger et al. (4,300,437).

Regarding claim 1, Hinger et al. disclose a tunable drum comprising a hollow drum shell (12, 13), drumheads (16, 17), an opening (G) through said drum shell for

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acoustic venting, and means (23) for adjusting the size of said opening to vary the amount of acoustic venting.

Regarding claim 2, Hinger et al. disclose the claimed invention (col. 1, lines 55-60).

5. Claims 3-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 20-28 would be allowable when the missing letters and incomplete words are corrected.

7. The claims are allowable over the prior art for at least the reason that the prior art fails to reasonably teach or suggest in claim 3 that said size adjusting means comprises a slide valve movable between an open and a closed position, in claim 4 that said drum shell has a plurality of venting openings, and said size adjusting means comprises a plurality of slide valves movable between an open and a closed position, in claim 5 that said drum shell has a plurality of venting openings, said size adjusting means comprises a plurality of valves movable between an open and a closed position, and means for moving said valves together, in claim 7 that said drum shell has a plurality of venting openings, said size adjusting means comprises a plurality of valves means movable between an open and a closed position, and means for moving valves means between

said open and closed positions, in claim 17 that said drum has a first plurality of coplanar venting openings around the periphery thereof and a second plurality of coplanar venting openings around the periphery thereof spaced from said first plurality of openings, said size adjusting means comprises a plurality of valves movable between an open and a closed position, in claim 18 that said drum has a first plurality of coplanar venting openings around the periphery thereof and a second plurality of coplanar venting openings around the periphery thereof spaced from said first plurality of openings, said size adjusting means comprises a first ring member having openings corresponding to said first plurality of drum venting openings, and a second ring member having openings corresponding to said second plurality of drum venting openings, and an operating member secured to said first and said second ring member, in claim 19 that said drum has a first plurality of venting openings around the periphery of the drum shell and a second plurality of coplanar venting openings around the periphery of said rim portion spaced from said first venting plurality of openings, said size adjusting means comprises a first ring member having openings corresponding to said first plurality of drum venting openings, and a second ring member having openings corresponding to said second plurality of drum venting openings, in claim 20 that a drum having a plurality of openings in the drumshell, and a ring member of a size having a sliding fit in the drumshell for movement between an open and a closed position relative to said opening, in claim 26 that said tension ring having a plurality of openings therein, and a ring member of a size having a sliding fit on said tensioning ring for movement

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between an open and a closed position relative to said openings as set forth in the claimed combination.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shih-yung Hsieh whose telephone number is 571-272-2065. The examiner can normally be reached on 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

syh


SHIH-YUNG HSIEH
PRIMARY EXAMINER